



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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MEMORANDUM

DATE: November 29, 2007

TO: Probate Court Judges
cc: Probate Registers

FROM: Jill Booth, Management Analyst

RE: Amendment of Probate Court Rules Effective January 1, 2008

On October 11, 2007, the Michigan Supreme Court adopted various amendments of the probate court rules that become effective January 1, 2008. Below is a discussion of those amendments. The full amendments can be viewed on our [website](#).

MCR 5.207 – SALE OF REAL ESTATE ADM File No. 2006-28

MCR 5.207(A)(4) was amended to give a petitioner filing a petition to approve the sale of real estate the option to attach either a copy of the most recent assessor statement or most recent tax statement to show the state equalized value of the property. SCAO-Approved court form PC 646 (Petition for Approval of Sale of Real Estate) will be revised to incorporate the added option of attaching a copy of the most recent tax statement.

MCR 5.302 – COMMENCEMENT OF DECEDENT ESTATES

MCR 5.302(A) was amended to prohibit the court from requiring information about the proposed or appointed personal representative. Prior to the amendment, the prohibition only affected proposed personal representatives. No changes in SCAO-Approved court forms are required to implement this amendment.

MCR 5.307 – REQUIREMENTS APPLICABLE TO ALL DECEDENT ESTATES

MCR 5.307(B) was amended to require the personal representative to include the name and address of each financial institution listed in the inventory. The address can be either the institution's headquarters or the branch used most frequently by the personal representative.

SCAO-Approved court form PC 572 (Letters of Authority for Personal Representative) will be revised to include this additional requirement.

**MCR 5.409 – REPORT OF GUARDIAN;
INVENTORIES AND ACCOUNTS OF CONSERVATORS**

MCR 5.409(B)(3) was amended to require the conservator (or guardian if ordered to file an inventory) to include the name and address of each financial institution listed in the inventory. The address can be either the institution's headquarters or the branch used most frequently by the guardian or conservator. SCAO-Approved court forms PC 662 (Letters of Guardianship of Individual with Developmental Disability) and PC 645 (Letters of Conservatorship) will be revised to include this additional requirement.

MCR 5.409(C)(1) was amended to clarify that all accounts filed with the court must comply with the court rules, even if the account is not required by court order.

MCR 5.409(C)(4) was amended to expand the time allowed to file the proof of a restricted account in a minor conservatorship, when the assets are ordered to be placed in a restricted account, from 14 to 28 days from the date of the conservator's qualification. The language, "or as otherwise ordered by the court," remains in the court rule.

MCR 5.409(C)(5) was amended to give the conservator (or guardian if ordered to file an annual account), when filing an account, the option to present either a copy of the corresponding financial institution statement to the court or file a verification of funds on deposit to reflect the value of all liquid assets held by a financial institution. The statement or verification must be dated within 30 days after the end of the accounting period. The requirement to present a copy of the statement or filing a verification of funds may still be waived by the court for good cause. SCAO-Approved court forms PC 583 (Account of Fiduciary, Short Form) and PC 584 (Account of Fiduciary, Long Form) will be revised to incorporate the added option of filing a verification of funds and the 30-day requirement. Please note that this amendment does not eliminate the separate requirement in MCR 5.409(C)(4) of filing annual verifications of restricted accounts in minor conservatorships.

The revised forms will be distributed to the courts in December along with the regular annual form revisions.

If you have any questions, please contact me at (517) 373-2173 or boothj@courts.mi.gov.